

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LG CAPITAL FUNDING, LLC,

Plaintiff,

-against-

**WISDOM HOMES OF AMERICA, INC. f/k/a
SEARCHCORE, INC.,**

Defendant.

21-cv-1583 (ALC)

ANDREW L. CARTER, JR., United States District Judge:

On February 22, 2022, Plaintiff LG Capital Funding, LLC (“Plaintiff”) commenced this action, alleging claims of breach of contract, unjust enrichment and costs against Wisdom Homes of America, Inc. f/k/a SearchCore, Inc. (“Defendant”). (ECF No. 1.)

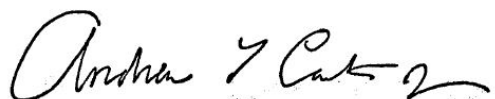
Plaintiff returned the executed summons on March 11, 2021 (ECF No. 7), but did Defendant had not answered or otherwise responded to the Complaint. Plaintiff then sought a certificate of default against Defendant (ECF No. 8), which the Clerk of Court entered on June 10, 2021. (ECF No. 10.) To date, Plaintiff has not moved for default judgment against Defendant.

Accordingly, on October 6, 2022, the Court ordered Plaintiff to show cause why this action should not be dismissed without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b), ordering a response by October 14, 2022. (ECF No. 11.) The Court warned Plaintiff that any failure by Plaintiff to make this showing would result in a dismissal of this case without prejudice for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). (*Id.*)

To date, Plaintiff has not responded to the Court’s Order nor taken any other action in this case. Accordingly, this action is hereby **DISMISSED WITHOUT PREJUDICE** for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). The Clerk of Court is respectfully directed to terminate this case.

SO ORDERED.

Dated: November 9, 2022
New York, New York

A handwritten signature in black ink, reading "Andrew L. Carter, Jr." with a stylized flourish at the end.

ANDREW L. CARTER, JR.
United States District Judge